

UNITED STATES DISTRICT COURT

for the  
Western District of North Carolina

## Charlotte Division

FILED  
CHARLOTTE, NC

APR 13 2023

US DISTRICT COURT  
WESTERN DISTRICT OF NC

Fatihaa Carroll

Case No. 3:23-cv-214-FDW  
(to be filled in by the Clerk's Office)

*Plaintiff(s)*

*(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)*

-V-

CarMax Business Services, LLC

Jury Trial: (check one)  Yes  No

*Defendant(s)*

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

# COMPLAINT FOR EMPLOYMENT DISCRIMINATION

## **I. The Parties to This Complaint**

**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Fatihaa Carroll
Street Address	715 Castle rd, Apt B
City and County	Monroe Union County
State and Zip Code	North Carolina, 28110
Telephone Number	7043185747
E-mail Address	fatihaacarroll@gmail.com

## **B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

Defendant No. 1

Name	CarMax Business Service, LLC
Job or Title ( <i>if known</i> )	Corporation
Street Address	1201 Hays Street
City and County	Tallahassee
State and Zip Code	Florida, 32301
Telephone Number	(804) 747-0422
E-mail Address ( <i>if known</i> )	

Defendant No. 2

Name	Jonathan Jones
Job or Title ( <i>if known</i> )	Regional Asset Protection Leader
Street Address	7700 Krefeld Dr
City and County	Charlotte, Mecklenburg County
State and Zip Code	North Carolina, 28227
Telephone Number	(704) 535-7791
E-mail Address ( <i>if known</i> )	

Defendant No. 3

Name	Rob Quinn
Job or Title ( <i>if known</i> )	Department Supervisor
Street Address	7700 Krefeld Dr
City and County	Charlotte, Mecklenburg County
State and Zip Code	North Carolina, 28227
Telephone Number	(336) 402-2973
E-mail Address ( <i>if known</i> )	

Defendant No. 4

Name	Chris Flores
Job or Title ( <i>if known</i> )	Inventory Shift Lead
Street Address	7700 Krefeld Dr
City and County	Charlotte, Mecklenburg County
State and Zip Code	North Carolina, 28227
Telephone Number	(704) 535-7791
E-mail Address ( <i>if known</i> )	

**C. Place of Employment**

The address at which I sought employment or was employed by the defendant(s) is

Name	CarMax
Street Address	7700 Krefeld Dr
City and County	Charlotte, Mecklenburg County
State and Zip Code	North Carolina, 28227
Telephone Number	(704) 535-7791

**II. Basis for Jurisdiction**

This action is brought for discrimination in employment pursuant to (*check all that apply*):

Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

*(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)*

Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

*(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)*

Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

*(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)*

Other federal law (*specify the federal law*):

Retaliatory Employment Discrimination Act

Relevant state law (*specify, if known*):

North Carolina Defamation Law

Relevant city or county law (*specify, if known*):

### III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes (check all that apply):

- Failure to hire me.
- Termination of my employment.
- Failure to promote me.
- Failure to accommodate my disability.
- Unequal terms and conditions of my employment.
- Retaliation.
- Other acts (specify): Defamatory statements

*(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)*

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)  
12/12/2022 the assault occurred 01/05/2023 plaintiff was terminated

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C. I believe that defendant(s) (check one):

- is/are still committing these acts against me.
- is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my (check all that apply and explain):

- race \_\_\_\_\_
- color \_\_\_\_\_
- gender/sex \_\_\_\_\_
- religion \_\_\_\_\_
- national origin \_\_\_\_\_
- age (year of birth) \_\_\_\_\_ *(only when asserting a claim of age discrimination.)*
- disability or perceived disability (specify disability) \_\_\_\_\_

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E. The facts of my case are as follows. Attach additional pages if needed.

1. Plaintiff FATHIHAH CARROLL states on December 12, 2022, she was assaulted by an agent of the corporation. Plaintiff was using the computer when the male shift lead approached her and took control of the computer mouse. The computer mouse was then launched across the room, the plaintiff went to retrieve it, and shift lead expressed verbally his current feelings and plaintiff verbally responded. On December 19, 2022, she reported said accident to regional asset protection leader and department supervisor in a recorded video conference. One January 5, 2023 plaintiff was terminated and was told it was because of the situation she reported and that the plaintiff is now a liability to the company. The male shift lead was not terminated and is still working for the corporation.

2. Additionally, the representatives of CarMax has and is still referring to the plaintiff as disrespectful.

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*(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)*

#### IV. Exhaustion of Federal Administrative Remedies

A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on (date)  
01/05/2023

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B. The Equal Employment Opportunity Commission (check one):

has not issued a Notice of Right to Sue letter.

issued a Notice of Right to Sue letter, which I received on (date) \_\_\_\_\_.

*(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)*

C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (check one):

60 days or more have elapsed.

less than 60 days have elapsed.

#### V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

WHEREFORE, plaintiff prays for judgement against defendants as follows:

On the first count.

1. For punitive damages in the sum of \$300,000.
2. For costs of suit.

3. For such other relief as the court deems just.

On the second count.

1. For compensatory damages in the sum of \$1,000,000.

2. For punitive damages in the sum of \$1,000,000.

3. For cost of suit.

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## VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

### A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 04/11/2023

Signature of Plaintiff

Printed Name of Plaintiff Fatihaa Carroll

### B. For Attorneys

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address